

COTTONWOOD HEIGHTS

ORDINANCE NO. 189

AN ORDINANCE ESTABLISHING TEMPORARY LAND USE REGULATIONS FOR CONVERSION TO OR ERECTION OF ELECTRONIC SIGNS AND COMMENCING PROCEEDINGS TO AMEND ORDINANCES

WHEREAS, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), authorizes a municipal legislative body, without prior consideration of or recommendation from the planning commission, to enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if, *inter alia*, the legislative body makes a finding of compelling, countervailing public interest; and

WHEREAS, §10-9a-509 of the Act authorizes municipalities to give notice of the commencement of proceedings to amend its land use ordinances; and

WHEREAS, chapter 19.82, COTTONWOOD HEIGHTS CODE (the “*Code*”), regulates signage in the zoning districts of the city of Cottonwood Heights (the “*City*”), including off-premises signage such as billboards (“*off-premise signs*”) and on-premise signage (“*on-premise signs*”) (off-premise signs and on-premise signs are collectively referred to herein as “*signage*”); and

WHEREAS, various issues recently have arisen regarding whether and to what extent signage should be allowed to be in an electronic format utilizing a digitally-controlled display surface (“*electronic format*” or “*electronic signs*”); and

WHEREAS, due to advances in technology, it is becoming increasingly feasible and cost effective for signage to be constructed or converted into an electronic format; and

WHEREAS, there are significant health, safety, and welfare issues surrounding electronic signs and their potential impact on vehicular traffic, the aesthetics of the City, the impact on residential neighborhoods, and the need for signage by the business community; and

WHEREAS, on 22 May 2012, the City’s city council (the “*Council*”) held a duly-noticed public meeting to discuss electronic signs and related issues and facts; and

WHEREAS, after careful consideration and discussion, the Council finds (a) the proposed temporary zoning regulation set forth below is necessary to protect the City’s residents from signage that may be constructed or converted into an electronic format; (b) such action will preserve the City’s ability to study the impacts that electronic signs have on vehicle traffic, residents, and businesses; (c) such action will allow the City to ensure that its standards for electronic signs are consistent with Utah State law and with best practices; (d) all of the foregoing together constitute a compelling, countervailing public interest basis for enacting the temporary zoning regulation set forth below; and (e) such enactment is essential to further the health, safety, and general welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Establishment of Temporary Zoning Regulations for Electronic Signs.** During the term of this ordinance (this “Ordinance”), Code chapter 19.82 shall remain in effect, except that Code §19.82.085 shall be deemed enacted as follows:

19.82.085 Electronic Signs.

A. *Notwithstanding anything in the code to the contrary, for a period not to exceed six months following the effective date of this section 19.82.085, no electronic off-premise sign or electronic on-premise sign shall be constructed or reconstructed for any reason, and the conversion, remodeling, or rehabilitation of any existing off-premise sign or on-premise sign to an electronic format is prohibited.*

B. *For purposes of this section:*

(a) *“Electronic format” means an electronic, digitally-controlled surface.*

(b) *“Conversion” means to change a sign from its existing, non-digital surface to a digitally-controlled surface.*

Section 2. **Duration.** Unless sooner terminated by action of the Council, this Ordinance shall remain in effect until the date that is six months after its effective date.

Section 3. **Pending Ordinance.** Pursuant to UTAH CODE ANN. §10-9a-509, proceedings to amend Code chapter 19.82 (concerning electronic signs) within 180 days after the effective date of this Ordinance are hereby commenced.

Section 4. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 5. **Severability.** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

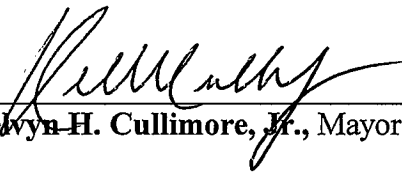
Section 6. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

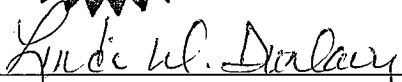
Section 7. **Effective Date.** This Ordinance, assigned no. 189, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City’s Recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 22nd day of May 2012.

COTTONWOOD HEIGHTS CITY COUNCIL



By 
Kelvyn H. Cullimore, Jr., Mayor


Linda W. Dunlavy, Recorder

VOTING:

| | | |
|--------------------------|---|------------------------------|
| Kelvyn H. Cullimore, Jr. | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Michael L. Shelton | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| J. Scott Bracken | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Michael J. Peterson | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Tee W. Tyler | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |

DEPOSITED in the Recorder's office this 22nd day of May 2012.

POSTED this 23 day of May 2012.

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